

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                 |   |                               |
|---------------------------------|---|-------------------------------|
| <b>UNITED STATES OF AMERICA</b> | : | <b>CRIMINAL NO. 1:15-CR-3</b> |
|                                 | : |                               |
| v.                              | : | <b>(Chief Judge Conner)</b>   |
|                                 | : |                               |
| <b>ANTONIO DELGADO,</b>         | : |                               |
|                                 | : |                               |
| <b>Defendant</b>                | : |                               |

**ORDER**

AND NOW, this 24th day of October, 2017, upon consideration of the motion (Doc. 208) *in limine* by defendant Antonio Delgado (“Delgado”), seeking to exclude from admission at trial statements made to law enforcement officers or government witnesses by nontestifying codefendants Anthony D’Ambrosio, Keanu Martinez, and Armando Delgado to the extent those statements implicate Delgado, (id. ¶¶ 4-14), and it appearing that the government agrees that such statements by nontestifying codefendants are inadmissible under Bruton v. United States, 391 U.S. 123 (1968), and its progeny, (Doc. 301 at 3), and that the government further agrees to instruct its witnesses to refrain from any reference to Delgado, (id. at 3),<sup>1</sup> it is hereby ORDERED that:

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<sup>1</sup> The government “objects in part” to Delgado’s motion. It contends that testimony from government witness Francis Simmons (“Simmons”) appertaining two types of statements—codefendant Armando Delgado’s statements to Simmons regarding Armando Delgado’s *own* involvement in the offense, and any statements that moving defendant Delgado *himself* made to Simmons—should be admissible. (See Doc. 301 at 2-3). The court does not construe Delgado’s instant motion as seeking exclusion of either of these categories of statements. (See Doc. 208).

1. Delgado's motion (Doc. 208) is GRANTED to the extent it concerns admissibility of any statements made by Delgado's nontestifying codefendants to government witnesses which tend to implicate Delgado.
2. Any statement allegedly made by a nontestifying codefendant which tends to implicate Delgado shall be inadmissible at trial.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania